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BY *Image-Jones-Ogg*

SB. No. 433

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for failing to file certain reports with the Texas Water Rights Commission; amending Section 50.106, Water Code; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 50.106, Water Code, is amended to read as follows:

"Sec. ^{for} 50.106. PENALTY. A district that fails to comply [~~fully~~] with the provisions of Sections 50.101-50.104 of this code is subject to a civil penalty of \$50 [~~and a further civil penalty of not more than \$2~~] a day for each day the district willfully continues to violate these sections after receipt of written notice of violation from the commission by certified mail, return receipt requested. [~~However, the maximum penalty is \$300.~~] The state may sue to recover the penalty."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Austin, Texas

April 3, 1973

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on INTERGOVERNMENTAL RELATIONS,
to which was referred S B. No. 433, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.


Chairman Wallace

CAS

A

April 5 1973 Engrossed
M. H. Dwyer
Engrossing Clerk

S.B. No. 433

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COMMITTEE REPORT

Date MAY 2, 1973

HONORABLE PRICE DANIEL, JR.

Speaker of the House of Representatives.

Sir:

We, your Committee on NATURAL RESOURCES, to whom was referred S. R. No. 433, have had the same under consideration and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.

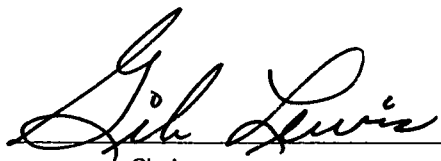
~~The Committee recommends that this measure be considered for the (Consent) Calendar. Record Vote (Yes)~~

House sponsor of Senate measure:

Senus

The measure was reported from Committee by the following record vote:

12 ayes
 _____ nays
1 present, not voting
13 absent


 Chairman

~~This measure proposes new law.~~

Committee on Natural Resources

BILL ANALYSIS

Background Information: Section 50.106 of the Texas Water Code currently provides for a civil penalty of \$50.00 plus \$2.00 per day for each day a conservation and reclamation district fails to file timely with the Texas Water Rights Commission the following: a certified copy of the order or act creating the district, a certified copy of an order changing the district's boundaries, a list of new district directors, a copy of the audit report.

What The Bill Proposes To Do:

S.B. 433 would raise the penalty for late filing to \$50 to \$100 per day after receipt of written notice from the Texas Water Rights Commission.

Section by Section Analysis:

Section 1. Raises the penalty to be paid by conservation and reclamation districts to \$50-\$100 per day after receiving written notice of violation by certified mail, return receipt requested, for willfully failing to file the following instruments with the Texas Water Rights Commission:

- a certified copy of the order or act creating the district;
- a certified copy of the order changing the district's boundaries;
- a list of new district directors;
- a copy of the audit report.

Section 2. Declares an emergency.

Summary of Committee Action:

Notice having been posted on April 26, 1973, the Committee on Natural Resources heard the subcommittee report on S.B. 433. It was moved and seconded that the report be adopted and that the Committee send S.B. 433 back to the House with the recommendation that it do pass as amended. The motion passed unanimously by the following vote: 12 Ayes, 1 Present Not Voting, 0 Absent. ~~The measure proposes new law.~~

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 4, 1973

Honorable Gibson Lewis, Chairman
Committee on Natural Resources
House of Representatives
Austin, Texas 78701

In Re: Senate Bill No. 433
By: Traeger

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of Senate Bill No. 433 (relating to the penalty for failing to file certain reports with the Texas Water Rights Commission) to be as follows:

No significant cost to the State is anticipated in the event Senate Bill No. 433 should pass and become law.



Thomas M. Keel
Legislative Budget Director

COMMITTEE AMENDMENT NO. 1

1 Amend Senate Bill No. 433, by striking all below the enacting
2 clause and substituting the following:

3 Section 1. Section 50.106, Water Code, is amended to read
4 as follows:

5 "Sec¹ 50.106. PENALTY. A district that fails to comply
6 [fully] with the provisions of Sections 50.101-50.104 of this
7 code is subject to a civil penalty of not less than \$50 nor more
8 than \$100 [~~and-a-further-civil-penalty-of-not-more-than-\$2~~] a day
9 for each day the district willfully continues to violate these
10 sections after receipt of written notice of violation from the
11 commission by certified mail, return receipt requested. [~~However,~~
12 ~~the-maximum-penalty-is-\$300.~~] The state may sue to recover the
13 penalty."

14 Sec. 2. The importance of this legislation and the crowded
15 condition of the calendars in both houses create an emergency and
16 an imperative public necessity that the constitutional rule
17 requiring bills to be read on three several days in each house
18 be suspended, and this rule is hereby suspended, and that this
19 Act take effect and be in force from and after its passage, and
20 it is so enacted.

DATE MAY 16 1973

READ AND ADOPTED

Donna Hallman
Chief Clerk
House of Representatives

| | |
|----------|-----------------|
| Enrolled | May 16/1973 |
| | Enrolling Clerk |

S.B. No. 433

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S.B. No. 433

President of the Senate Speaker of the House

I hereby certify that S.B. No. 433 passed the senate on April 5, 1973, by the following vote: Yeas 31, Nays 0; May 16, 1973, senate concurred in house amendments by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 433 passed the house, with amendments, on May 16, 1973, by the following vote: Yeas 135, Nays 1.

Chief Clerk of the House

Approved:

Date

Governor

By J. Jones

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MAR 5 1973 Read, referred to Committee on INTERGOVERNMENTAL RELATIONS

APR 3 1973 Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

APR 5 1973 Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by unanimous consent.

APR 5 1973 To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

Read second time and { ordered engrossed.
passed to third reading.

APR 5 1973 Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas, 0 nays to place bill on third reading and final passage.

APR 5 1973 Read third time and passed by { a viva-voce vote.
3 yeas, 0 nays.

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

April 5 1973 Engrossed

APR 5 1973 Sent to HOUSE

Mike

ENGROSSING CLERK

APR 5 1973

Received from the Senate

PRINTED, DISTRIBUTED AND
RETURNED TO COMMITTEE ON
CALENDARS 7:30 P.M. MAY 8 1973
(Time) (Date)

Joseph Hallman
Chief Clerk, House of Representatives

AND REFERRED TO COMMITTEE ON
Natural Resources

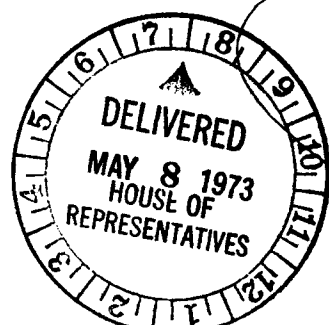
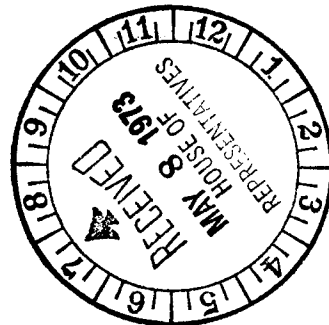
APR 5 1973

Joseph Hallman
Chief Clerk, House of Representatives

May 1, 1973 sent to
Date
Legislative Budget Board for
Fiscal note Lib. Lewis
Chairman

MAY 8 1973

REPORTED FAVORABLY BY TO PRINTER AS AMENDED



inside

SB432

MAY 16 1973

Read Second Time, *Amended*

and passed to third reading by ^{new} record vote

[Signature]

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 16 1973

Constitutional Rule
Requiring Bills To Be Read On Three
Several Days Suspended ~~Failed to Suspend~~
By a Four - Fifths Vote.

Yeas 124 Nays 11

MAY 16 1973

Read third time

and Passed

by following vote: yeas 135

Nays 1

Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

MAY 16 1973

RETURNED TO SENATE

MAY 16 1973

Unanimous consent granted to amend
caption of House Bill No. 433 to
conform to body of bill.

RETURNED MAY 16 1973
FROM HOUSE as
amended

MAY 16 1973

Senate concurred in House amend-
ments by the following vote: 31
yeas, 0 nays.